



14,15

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: AMY TEMES, SENIOR PLANNER
(480) 503-6729, AMY.TEMES@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: OCTOBER 1, 2014

SUBJECT:

- A. GP14-09, WARNER POWER SENIOR LIVING: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 19.67 ACRES OF REAL PROPERTY GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF POWER AND WARNER ROADS FROM LIGHT INDUSTRIAL LAND USE CLASSIFICATION TO GENERAL OFFICE LAND USE CLASSIFICATION.**
- B. Z14-19, WARNER POWER SENIOR LIVING: REQUEST TO REZONE APPROXIMATELY 19.67 ACRES OF REAL PROPERTY GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF POWER AND WARNER ROADS FROM APPROXIMATELY 19.7 ACRES OF LIGHT INDUSTRIAL (LI) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY TO APPROXIMATELY 19.67 ACRES OF GENERAL OFFICE (GO) ZONING DISTRICT.**

STRATEGIC INITIATIVE: Economic Development

This General Plan and Rezoning will allow for the development of employment uses within the Town.

RECOMMENDED MOTION

A. MOVE TO RECOMMEND TO TOWN COUNCIL APPROVAL OF GP 14-09, A MINOR GENERAL PLAN AMENDMENT; AND

B. FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z14-19, AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.

APPLICANT/OWNER

Company: Village Care Partners, LLC
Name: Carl Bommarito
Address: 1176 E. Warner Rd #106
Gilbert, AZ 85296
Phone: 602-818-2053
Email: carl@villagecarmgmt.com

Company: Phoenix Warner, LLC/ETAL
Name: Jerome Stenly
Address: 3602 Plumosa Dr.
San Diego, CA 92106
Phone: 706-638-3443
Email: stehlyent@aol.com

BACKGROUND/DISCUSSION

<i>Date</i>	<i>Action</i>
September 26, 2006	Town Council annexed 20 acres at Warner Road and 181 st Street Alignment under Ordinance No. 1823.
December 5, 2006	Town Council adopted Ordinance No. 1874 rezoning 20 acres of property from Maricopa County Rural – 43 to Town of Gilbert Light Industrial with a Planned Area Development Overlay.
September 3, 2014	Planning Commission Study Session for Warner and Power Senior Living.

Overview

The project is located on the south side of Warner Road west of Power Road. The property is the dividing line between Light Industrial zoning and residential zoning/uses. The owner believes that the General Office land use category is an ideal buffer between industrial uses and residential homes.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning
North	Light Industrial	Light Industrial PAD
South	Light Industrial	Light Industrial PAD
East	Light Industrial	Light Industrial
West	Residential >1-2 DU/Acres and Residential >5-8 DU/Acres	Single Family – 15, Maricopa County Rural - 43 and AD-3
Site	Light Industrial	Light Industrial PAD

General Plan/Rezoning

The applicant has requested a General Plan Amendment and Rezoning to allow for the development of a Congregate Care Facility on 19.67 acres situated between existing single family homes/zoning and Light Industrial vacant land. The proposed site plan meets Land Development Code (LDC) requirements and Town of Gilbert Standards. The applicant believes that a congregate care facility is an appropriate use between the vacant County light industrial land to the east and the Town and County large lot residential homes and agriculture to the west. Congregate Care is a permitted use within General Office zoning with a Conditional Use Permit that will be brought forward at a later point in time. The applicant is asking for conventional zoning and will be required to meet all Town Code and Development standards. The project will dedicate and improve both the Warner Road and 181st Street half width rights-of-ways. The 181st Street cross-section has been modified to allow for two way traffic.

No modifications to the development standards are requested (conventional zoning).

Development Standards	LI Existing	GO Proposed
Height	55' /3 story	55' /3½ story
Step Back	Yes, A building within 100' of residential needs a building step-back of 1' for every 1' of building height above 2 stories or 35' in height	Yes, A building within 100' of residential needs a building step-back of 1' for every 1' of building height above 2 stories or 35' in height
Front Building Setback	30'	25'
Side Building Setback to Residential	75'	30'
Side Building Setback to Collector Street	20'	20'
Rear Building Setback to Non-Residential	0'	20'
Front Landscape Setback	25'	25'
Side Landscape Setback to Residential	25'	30'
Side Landscape Setback to Collector Street	20'	20'
Rear Landscape Setback to Non-Residential	5'	20'
Parking		0.5 per bed or unit 147 required, 642 provided

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

A neighborhood meeting was held on June 3, 2014. Approximately 20 people attended. Many of the neighbors supported the proposed use. Some had the following concerns:

- Height of buildings at 3 story to 3½ stories adjacent to residential that is limited to 2 story. (*the concern was addressed by moving the buildings east, away from the west property line.*)
- Concern that the congregate care will devalue the adjacent industrial property by limiting the uses allowed due to residential proximity.
- Concern that the residents of the care facility will be impacted by the Light Industrial uses and potential noise.
- Concern that the congregate care will devalue the custom homes yet to be constructed to the west because it is a commercial use.
- Buffering between the care facility and the residences. (*An 8' wall is required by the LDC with a non-deciduous tree line.*)

Staff has received no comment from the neighbors since the neighborhood meeting.

School District

The Higley School District has had no comment.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP14-19, to change the land use classification of approximately 19.67 acres of real property generally located at west of the southwest corner of Power and Warner Roads from Light Industrial (LI) to General Office (GO) land use classification; and

B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z14-19 rezoning of approximately 19.67 acres of real property located west of the southwest corner of Power and Warner Roads from approximately 19.67 acres of Light Industrial (LI) zoning district to approximately 19.67 acres of General Office (GO) zoning district, subject to the following conditions:

1. Dedication to Gilbert for Warner Road rights-of-way that is adjacent to the Property shall be completed prior to the effective date of this ordinance. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
2. Dedication of Warner Road shall extend 70 feet from the center line.
3. Dedication to Gilbert for 181st Street right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer.
4. Dedication of 181st Street shall extend 33 feet from the center line.
5. Construction of off-site improvements to Warner Road and 181st Street adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.
6. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
7. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
8. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. Such easements shall be open to public access and use.

9. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
10. The final plat shall note: “This property, due to its proximity to Phoenix Mesa Gateway Airport, is likely to experience aircraft overflight, which could generate noise levels which may be of concern to some individuals.”
11. At the time of Design Review, the applicant shall submit a sealed letter from a registered architect or engineer certifying that the construction materials, methods and design employed will achieve the required noise reduction.
12. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an aviation easement prior or concurrent to the recordation of any final plat or approved final design Review Plan for the new project.

Respectfully submitted,

Amy Temes
Senior Planner

Attachments:

- | | |
|---------------|--|
| Attachment 1: | Notice of Public Hearing |
| Attachment 2: | Aerial Photo |
| Attachment 3: | General Plan Map |
| Attachment 4: | Zoning Map |
| Attachment 5: | Minutes from a Planning Commission Study Session |

GP14-09 and Z14-19: Warner and Power Senior Living
Attachment 1 - Notice of Public Hearing

Notice

PLANNING COMMISSION DATE:
TOWN COUNCIL DATE:

Wednesday, October 1, 2014* TIME: 6:00 PM
Thursday, October 30, 2014* TIME: 7:00 PM

LOCATION: Gilbert Municipal Center, Council Chambers
50 E. Civic Center Drive

*** Call Planning Department to verify date and time: (480) 503-6700**

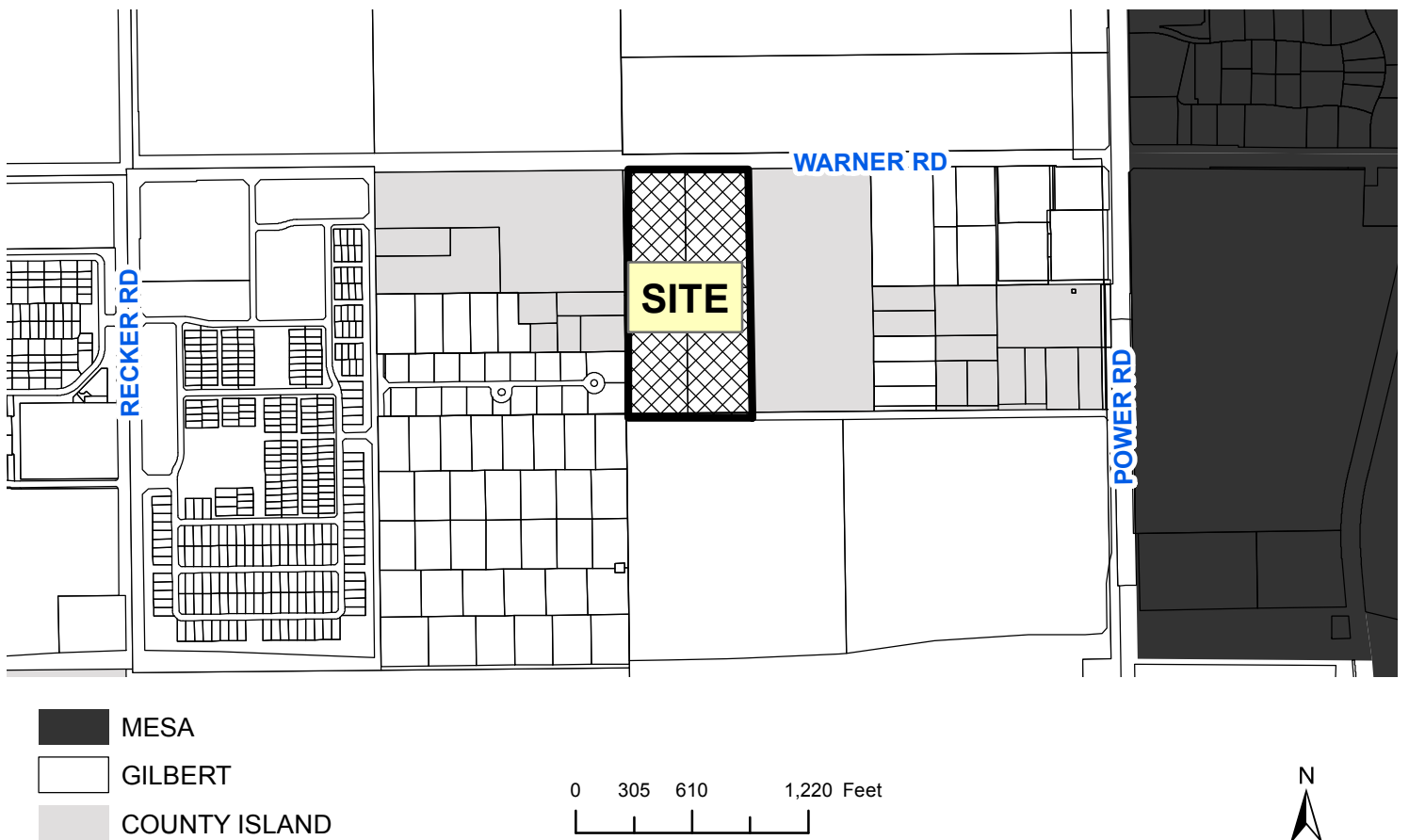
REQUESTED ACTION:

GP14-09 Warner Power Senior Living: Request for Minor General Plan Amendment to change the land use classification of approximately 19.67 acres of real property generally located west of the southwest corner of Power and Warner Roads from Light Industrial land use classification to General Office land use classification. The effect of this amendment will be to change the plan of development for the property to allow for uses within the General Office Land Use Classification.

Z14-19: Warner Power Senior Living: Request to rezone approximately 19.67 acres of real property generally located west of the southwest corner of Power and Warner Roads from approximately 19.67 acres of Light Industrial (LI), within a Planned Area Development overlay zoning district, to approximately 19.67 acres of General Office (GO) zoning district. The effect of the rezoning will be to allow the property to be developed subject to the development standards for the General Office (GO) zoning district as set forth in the Land Development Code.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

SITE LOCATION:



APPLICANT: Villages Care Partners, LLC
CONTACT: Carl Bommarito
ADDRESS: 1176 E Warner Rd #106
Gilbert, AZ 85296

TELEPHONE: (602) 818-2053
E-MAIL: carl@villagescaremgmt.com

**GP14-09 and Z14-19: Warner and Power
Senior Living
Attachment 2 - Aerial Photo**



MINOR GENERAL PLAN AMENDMENT
WARNER-POWER SENIOR LIVING CAMPUS

GP14-09 and Z14-19: Warner and Power Senior Living
Attachment 3 - General Plan Map

LEGAL DESCRIPTIONS

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH 33 FEET THEREOF.

AREA COMPRISES 835,596.83 SF OR 19.1827 ACRES, MORE OR LESS.

PROJECT LOCATION

4445 E. WARNER RD., GILBERT, AZ

DEVELOPER

VILLAGE CARE PARTNERS, LLC
40 W. BASELINE RD., STE 110
TEMPE, AZ 85283
CONTACT: CARL BOMMARITO
PHONE: (602) 818-2053
EMAIL: CARL@VILLAGECAREMGMT.COM

ENGINEER

R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE RD., STE 110
TEMPE, AZ 85283
CONTACT: PHIL WILLIAMS, P.E., R.L.S.
PHONE: (480) 424-2352
FAX: (480) 424-2353
EMAIL: PHIL@RBWILLIAMS.COM

LEGEND

- PROPOSED GENERAL PLAN DISTRICT BOUNDARY
- PROPERTY LINE
- EASEMENT LINE

VICINITY MAP

T 1S, R 6E, S 24
(N.T.S.)

PROPOSED ROADWAY CLASSIFICATIONS

WARNER RD. MAJOR ARTERIAL
NUNNELLEY RD. LOCAL STREET
180TH ST NOT DEVELOPED

PROJECT DATA TABLE:

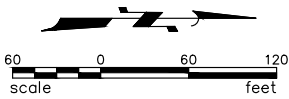
GROSS AREA: (TO CENTERLINES)	857,109.32 SF 19.6765 AC
NET AREA (AFTER ROW DEDICATION)	811,476.21 SF 18.6289 AC
EXISTING GENERAL PLAN:	LI
PROPOSED GENERAL PLAN:	GO
100% TO BE CLASSIFIED AS	GO

AMERICAN FURNITURE
WAREHOUSE CO
APN: 304-39-956
ZONE: LI
USE: AGRICULTURAL

SECONDARY
FIRE ACCESS
EXISTING
SEWER
MANHOLE

40'
ROW

S 89°14'01" W, 652.46'



EXISTING
10" SEWER

TELEPHONE
EASEMENT

CURRENT GENERAL PLAN: LI
PROPOSED GENERAL PLAN: GO

HOWARD BEVERLY A TR
APN: 304-29-013C
COUNTY ZONE: AD-3
USE: AGRICULTURAL

20' BSL
& UTIL &
LANDSCAPE
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GP14-09 and Z14-19: Warner and Power Senior Living
Attachment 4 - Zoning Map

ZONING EXHIBIT

WARNER-POWER SENIOR LIVING CAMPUS

LEGAL DESCRIPTIONS

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EXCEPT THE NORTH 33 FEET THEREOF.

AREA COMPRISES 835,596.83 SF OR 19.1827 ACRES, MORE OR LESS.

PROJECT LOCATION

WARNER RD. AT 180TH ST

DEVELOPER

VILLAGE CARE PARTNERS, LLC
40 W. BASELINE RD., STE 110
TEMPE, AZ 85283
CONTACT: CARL BOMMARITO
PHONE: (602) 818-2053
EMAIL: CARL@VILLAGECAREMGMT.COM

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PHONE: (480) 424-2352
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EMAIL: PHIL@RBWILLIAMS.COM

LEGEND

- PROPOSED ZONING
- DISTRICT BOUNDARY
- PROPERTY LINE
- EASEMENT LINE

VICINITY MAP

T 1S, R 6E, S 24
(N.T.S.)

PROJECT DATA TABLE:

GROSS AREA:	857,109.32 SF 19.6765 AC
NET AREA (AFTER ROW DEDICATION)	811,476.21 SF 18.6289 AC
CURRENT ZONE:	LI
CURRENT USE:	AGRICULTURAL
PROPOSED ZONE:	GO
PROPOSED USE:	GO W/ USE PERMIT
EXISTING GENERAL PLAN:	LI
PROPOSED GENERAL PLAN:	GO
CURRENT DEV. STANDARD	LI
BLDG SETBACK	30' / 75'
BLDG HEIGHT	55' THREE STORIES
PROPOSED DEV. STANDARD	GO
MIN. BLDG SETBACK	25' FRONT 20' / 30' SIDE 20' REAR
BLDG HEIGHT	48'
DWELLING UNITS:	287 UNITS
FEE BASED BEDS:	100 BEDS
EMPLOYEES ON PROPERTY:	52-54
TOTAL EMPLOYEES:	68-72
50 FT ALL STRUCTURES:	509,171 SF
TOTAL COVERED:	491,261.64 SF
LOT COVERAGE (UNDER ROOF):	191,321.50 SF 22.32%
OPEN SPACE:	320,464.69 SF 39.49%

AMERICAN FURNITURE
WAREHOUSE CO
APN: 304-39-956
ZONE: LI
USE: AGRICULTURAL

SECONDARY
FIRE ACCESS
EXISTING
SEWER
MANHOLE

40' ROW

NUNNELLEY ROAD

S 89°14'01" W, 652.46'

25' BSL

1244.25'

N 00°59'53" W,

180TH ST

40' BSL

16.6' EDGE OF PAVEMENT

WARNER ROAD

33' ROW

70' PROPOSED ROW

35' BSL

EXISTING 12" SEWER

EXISTING 16" WATER

14'

EXISTING SEWER MANHOLE

3.3'

EXISTING CABLE TV MANHOLE

EXISTING 69KV ELEC

20' BSL & UTIL & LANDSCAPE EASEMENT

1244.25'

S 01°01'23" E,

HOWARD BEVERLY A TR

APN: 304-29-013C

COUNTY ZONE: AD-3

USE: AGRICULTURAL

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GP14-09 and Z14-19: Warner and Power Senior Living Attachment 5 - Planning Commission Study Session Minutes

**TOWN OF GILBERT
PLANNING COMMISSION, REGULAR MEETING STUDY SESSION
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE GILBERT ARIZONA
September 3, 2014**

COMMISSION PRESENT:

**Chairman Jennifer Wittmann
Vice Chairman Joshua Oehler
Commissioner David Blaser
Commissioner Carl Bloomfield
Commissioner Kristofer Sippel
Commissioner David Cavenee
Commissioner Brent Mutti**

COMMISSION ABSENT:

None

STAFF PRESENT:

**Planning Services Manager Linda Edwards
Principal Planner Catherine Lorbeer
Senior Planner Amy Temes
Senior Planner Jordan Feld
Planner Nathan Williams**

ALSO PRESENT:

**Town Attorney Jack Vincent
Recorder Margo Fry**

CALL TO ORDER:

Chairman Jennifer Wittmann called the meeting to order at 5:05 p.m.

GP14-09 - Warner Power Senior Living - Request for Minor General Plan Amendment to change the land use classification of approximately 19.7 acres of real property generally located west of the southwest corner of Power and Warner Roads from Light Industrial land use classification to General Office land use classification;

Z14-19 - Warner Power Senior Living - Request to rezone approximately 19.7 acres of real property generally located west of the southwest corner of Power and Warner Roads from approximately 19.7 acres of Light Industrial (LI), within a Planned Area Development overlay zoning district, to approximately 19.7 acres of General Office (GO) zoning district;

UP14-10 - Warner and Power Senior Living - Request to approve a Conditional Use Permit for approximately 19.7 acres of real property located west of the southwest corner of Power and Warner Roads to allow a congregate care facility in the General Office (GO) zoning district.

Senior Planner Amy Temes stated that the applicant has requested a change from Light Industrial (LI) zoning and General Plan land use category to General Office (GO). GO allows congregate care facilities which are full care facilities including everything from memory care, assisted living, independent living and supportive care apartments. The applicant would like to create a congregate care facility which does require a use permit for approval within that zoning district. The project parcel is located on Warner Rd., West of Power Road. It is adjacent to large lot existing residences in subdivisions of SF – 6 and SF – 43 as

**Planning Commission
Study Session 9-3-14**

well as some vacant farmland and farm housing. At the other side and at the rear is vacant LI. A neighborhood meeting was held and was well attended by the neighbors in the area. Discussion ranged from it being a great transitional use from LI to the large lot houses to not wanting a three-story building devaluing property, to, this will be difficult to sell LI next to a congregate care facility. However, it is next to GO zoning which the applicant indicates will be a 2 to 3 year window before it is constructed. There is some existing LI somewhat further to the East with different uses, none of them having hazardous materials or anything which would be detrimental to having a congregate facility in a GO category, though within LI there are sometimes uses that do have sounds or odors that could occur. GO is required to have an 8 foot wall between not only the residential uses to the West but also in the LI to the East and to the South. The General Plan Map is a very basic map going to centerlines roads and encompassing the entire gross acreage of the parcel, it would be going from LI to GO. Under the GO the applicant has requested Conventional zoning. There are no modifications being requested and this is not a planned area development. They are going straight out of the Land Development Code (LDC). There are 387 units with varying kinds of care as stated earlier. There is a large clubhouse with a heated pool and an 18-hole putting golf course which is done in a resort style. Under the buildings is a parking garage. Seventy two jobs will be created by this project and so is considered an employment use.

Commissioner Sippel asked what percentage of the people did not want three stories as it would devalue their homes compared to the percentage of people who were excited about the transitional piece.

Ms. Temes said that in the plan that was originally shown to the neighbors some of the buildings were turned a little more so that the windows of the facility were facing out towards the West and the buildings were also in some cases closer to the property line. The applicant took the neighbors comments to heart as well as the requirements of the LDC and rotated some of the buildings so that some of those concerns were addressed. There is one building that is still facing that direction which has not yet been noticed as it was not going to public hearing, so there has been no further feedback since the original meeting.

Commissioner Cavenee asked what other uses are allowed in LI which would be adjacent to the subject project.

Ms. Temes referred to the existing uses in the area which are carpentry, woodworking and manufacturing. There are indoor and outdoor facilities and some metalwork as well as personal storage that was created under the County and then annexed into the Town. A rock yard has been interested in one of the other parcels.

Commissioner Cavenee asked if staff had any concerns about the adjacency of any of those types of uses to this kind of facility. With a rock yard would there be concerns about dust or noise which would come back to haunt the property later.

Ms. Temes responded that there is Regional Commercial (RC) in the area. There is a hotel along Power Road and over time staff expects this area to change and evolve into more of a RC corridor.

Chairman Wittmann said it seemed that the GO standards were greater than the standards required in LI and that it actually protected the neighbors more than the LI district would. She liked the fact that they have the same building height as the LI so in comparison this is a better use for the adjacent neighborhood than what it is currently.

UP13-04: GILBERT TOWN CENTER APARTMENTS: REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR APPROXIMATELY 13 ACRES OF REAL PROPERTY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.